

From: larry@doolittle.boa.org@inetgw
To: Microsoft ATR
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Subject: Microsoft Settlement

I am a 43 year-old scientist and engineer. I switched from DOS to Linux in 1993, a change that helps me work more effectively. Even with my nearly exclusive use of Linux, I daily have to deal with unpleasant side effects of Microsoft's monopoly.

I have read the Proposed Final Judgement cover to cover. I concur with the assessment of others, such as Dan Kegel and Robert Bork, that it is a toothless sham which will do nothing to restore choice and competition to the personal computer software marketplace. In it, Microsoft makes minor concessions to its already vanquished foes of the past decade, while entrenching and solidifying its ability to resist its foes of the coming decade.

Microsoft has a long history of buying and/or "cutting off the oxygen" of its potential for-profit competitors. With its enormous stockpile of cash, it's hard to see how any conduct remedy will reverse this trend. These methods of maintaining its monopoly (now shown to be illegal) don't work against free-as-in-speech software, like Linux, Samba, and Wine. For this reason, many people in and out of Microsoft consider such software to have the best long term chances of breaking the Microsoft Windows monopoly. Microsoft's nascent strategies for sidelining these potential competitors will be legitimized and strengthened by the proposed settlement.

I can only find two ways to explain the Justice Department's support of this agreement: either they are totally oblivious to the open source movement and its threat to Microsoft, or they, like Microsoft, want control of computers concentrated in the hands of a plutocracy, and kept away from America's unpredictable and unfettered citizens. Since court decisions have repeatedly confirmed that source code is speech, this second explanation is equivalent to government opposition to citizen ownership of printing presses. Ben Franklin would roll over in his grave.

Here are the aspects of the proposed settlement that I find particularly egregious:

- * It carefully excludes open source projects, such as Wine and Samba, from the third parties to whom they must release documentation etc. (III.J.2).
- * While Microsoft is required to license patents on a non-discriminatory basis (III.I.1), the cash-for-ideas concept itself discriminates against free software, that has no revenue stream or control over its "customers", the free citizenry.

- * Microsoft does not have to disclose which patents might apply to its software's functionality, protocols, and interfaces. This leaves its sales force enormous room to inject FUD (fear, uncertainty and doubt) into its discussions with customers considering alternatives to Microsoft. Such behavior is already documented.
- * Technical information that Microsoft discloses about its products can not be used to design or implement products that either compete with Windows, or run on operating systems other than Windows (V.I.).
- * No requirement is placed on documenting, or even stabilizing, the file formats used to interchange word processing documents. Without such disclosure, attempts by competitors to read or write these documents will be (and have been) unreliable at best. Since many entities, including the U.S. government, often require documents to be submitted in this file format, the lack of compatible software institutionalizes a requirement that everybody buy Windows.

I believe that ending the prolonged anti-trust case with this settlement would send a loud pro-big-business, anti-consumer, and anti-competitive message to the computer industry. While free speech, free ideas, and free software will ultimately survive and flourish without the cooperation of government, this settlement would be seen for years as a win for big money, and a loss for the people. Please join the Attorneys General for California, Connecticut, et al., and reject this settlement as bad for the computer industry, the worldwide Internet, and the nation.

Lawrence R. Doolittle
836 Meander Dr.
Walnut Creek, CA 94598

P.S. Like about 2000 others, I also signed Dan Kegel's open letter, <http://www.kegel.com/remedy/letter.html>, which goes into more technical detail than this one.